



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,868	12/19/2001	Jani Hyvarinen	324-010647-US(PAR)	1041
2512	7590	08/09/2007	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			GREY, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/027,868

Applicant(s)

HYVARINEN ET AL.

Examiner

Christopher P. Grey

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 17, 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 and 10-23 is/are rejected.
7) ☒ Claim(s) 9 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilchrist et al. (US 7042855), hereinafter referred to as Gilchrist.

Claim 1, 12, 18, 21 Gilchrist discloses checking the availability of the requested data transmission service (**Col 5 lines 8-11, authorize BSS to process PDU's from mobile station and Col 9 lines 31-33**) and reachability (**fig 5, 507**) of the terminal in the local network (**Col 4 lines 53-59, second remote unit is within the local network**) in response to the mobile station being attached to the local network and data transmission being desired between the mobile station and the terminal (**Col 4 lines 50-52, first remote unit needs to communicate with second remote unit**).

Gilchrist discloses transmitting a service request (**Col 4 lines 37-38**) from the mobile station (**fig 3, 201**) to the public mobile network (**Col 4 line 37, GPRS network**) in response to the data transmission service not being providable substantially in accordance with the service request and/or the terminal not being reachable via the

local network (**fig 5, 507 and 509, 509 is initiated in the event that destination is not within the local network**).

Claim 2 Gilchrist discloses a primary network being determined in the mobile station (**fig 5 507, local network is the first network to be checked, so is therefore determined the primary network**), the primary network determined in the mobile station is checked when a need arises to transfer data between the terminal (**fig 5, 507**) and the mobile station, and the availability of the requested data transmission service (**Col 5 lines 8-11, authorize BSS to process PDU's from mobile station**) and the reachability of the terminal first in the primary network are checked (**Col 4 lines 53-59, second remote unit is within the local network**) in response to the mobile station being located in the coverage area of the primary network (**fig 5, 507**).

Claim 3, 13, 19 McCanne discloses the mobile station checking whether the terminal belongs to the local network (**fig 5, 507**) in response to the local network and data transmission being desired between the mobile station and the terminal (**Col 4 lines 50-52, first remote unit needs to communicate with second remote unit**), the service request being transmitted from the mobile station to the local network (**fig 5, 515**) in response to the terminal belonging to the local network (**fig 5, 507**), or the service request being transmitted to the public mobile network (**fig 5, 509**).

Claim 4, 14 Gilchrist discloses a service request being transmitted from the mobile station to the local network (Col 9 lines 3-5), the availability of the requested data transmission service and the reachability of the terminal are checked, a message is transmitted from the local network to the mobile station in response to the data

Art Unit: 2616

transmission service not being providable substantially **(Col 9 lines 27-31)** in accordance with the service request and/or the terminal not being reachable via the local network, and the service request being transmitted from the mobile station to the public mobile network **(fig 5 509)** in response to the message received from the local network.

Claim 5 Gilchrist discloses the message comprising a command to transmit the service request to another network (fig 5 509).

Claim 6, 15, 22 Gilchrist discloses the local network determining the network whereto the mobile station should send the service request, the message comprising a command to transmit the service request to the determined public mobile network, and the service request being transmitted to the public mobile network determined in the message (fig 5, 509).

Claim 7, 16, 20 Gilchrist discloses the mobile station maintaining a list on networks wherefrom services are sought, the mobile station determining in response to the message, the network whereto the service request should be transmitted, and the service request being transmitted to the public mobile network determined on the basis of the list **(Col 6 lines 33-45)**.

Claim 8 Gilchrist discloses the location database of the local network being checked to determine whether the terminal of the called number included in the service request is attached to the local network **(Col 6 lines 33-45)**.

Gilchrist discloses the message being transmitted from the local network to the mobile station in response to the terminal not being attached to the local network (**Col 9 lines 27-31**).

Claim 17 Gilchrist disclose the local network supporting IEEE802.11 standard or being based on GSM-standard-supporting base transceiver stations and radio access gateways performing protocol conversion between the IP network and the GSM network, and the public mobile network supporting the GSM standard (Col 6 line 60-Col 7 line 13).

Claim 23 Gilchrist discloses several clients, servers and routers within a local network that supports packet switching, where a local network supports wireless communication (**see fig 8**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilchrist et al. (US 7042855), in view of Voit et al. (US 6870827), hereinafter referred to as Voit.

Claim 10 Gilchrist does not specifically disclose the mobile station measures signal levels of base transceiver stations or access points comprised by the local network in

response to the public mobile network providing data transmission service to the mobile station, a service request is transmitted from the mobile station to the local network for obtaining that data transmission service in response to the access point or base transceiver station of the local network providing a sufficient signal level, the reachability of the terminal in the local network are checked, a connection to the terminal via the local network is established in response to the data transmission service being providable substantially in accordance with the service request and the terminal being reachable via the local network, and the connection to the terminal via the public mobile network is released.

Voit discloses the mobile station measures signal levels of base transceiver stations or access points comprised by the local network in response to the public mobile network providing data transmission service to the mobile station, a service request is transmitted from the mobile station to the local network for obtaining that data transmission service in response to the access point or base transceiver station of the local network providing a sufficient signal level, the reachability of the terminal in the local network are checked, a connection to the terminal via the local network is established in response to the data transmission service being providable substantially in accordance with the service request and the terminal being reachable via the local network, and the connection to the terminal via the public mobile network is released (Col 8 lines 36-Col 9 line 17).

It would have been obvious to one of the ordinary skill in the art at the time of the invention that the reachability as disclosed by Gilchrist is determined based on a signal

Art Unit: 2616

level as is well aware in the art and provided by Voit. Reachability may be determined by any well-known method within the art, where a PING method is equivalent to a signal level measurement method as described above.

Claim 11 Gilchrist does not specifically disclose the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local network being substantially lower than the signal level of the case transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network.

Voit discloses the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local network being substantially lower than the signal level of the case transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network (Col 8 lines 36- Col 9 line 17).

It would have been obvious to one of the ordinary skill in the art at the time of the invention that the reachability as disclosed by Gilchrist is determined based on a signal level as is well aware in the art and provided by Voit. Reachability may be determined by any well-known method within the art, where a PING method is equivalent to a signal level measurement method as described above.

Allowable Subject Matter

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed on May 17, 2007 have been fully considered but they are not persuasive.

(a) The applicant argued that the cited art does not disclose or suggest alternate routing either within a local network or through a public network.

The examiner maintains that Gilchrist discloses alternate routing, wherein Gilchrist discloses determining if the destination is local, and in the event that it is not, alternately routing the data to a packet data gateway (**see fig 5**), where the packet data gateway is part of the public network (**see fig 1, 119, where GGSN is within PLMN**).

The applicant makes reference to Col 2, lines 32-36, emphasizing, "existing on the same local wire line network". In response, the examiner contends that the applicant

chooses to single out only one embodiment, however Gilchrist discloses several embodiments, including an embodiment that specifies a second remote unit possibly existing on the local network or not, where the second unit is accessed via a packet data gateway when not connected locally **(Col 2 lines 51-64 and see fig 5)**.

(b) The applicant argued that the cited art does not disclose the applicants claimed, "checking the availability of a requested service".

The examiner maintains that Gilchrist discloses the claimed limitation interpreted in its broadest sense, where Gilchrist discloses a service request (Col 3 lines 64-67). Furthermore, a service request is a request for service, wherein a response to a service request indicates the availability of the requested service

The applicant suggests that the only reference to a public network is in fig 8, however Gilchrist discloses alternatively routing data to a packet data gateway **(see fig 1, GGSN's within the PLMN)**.

(c) The applicant argues that the cited art does not disclose determining the availability of the destination terminal and what happens when this determination indicates that availability is not present.

Gilchrist clearly determines the availability of the destination being local or not, and routing the data appropriately in the event that it is not available locally **(see fig 5)**.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571)272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Grey
Examiner
Art Unit 2616

C. Grey
July 31, 2007



DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600